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Committee on Economic, Social and Cultural Rights
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Summary record of the 42nd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 2 October 2018, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of South Africa (E/C.12/ZAF/1; E/C.12/ZAF/Q/1; E/C.12/ZAF/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation took places at the Committee table.*

2. **Mr. Jeffery** (South Africa) said that even before coming to power, the African National Congress had had the foresight to recognize the indivisibility of rights and had strongly promoted the idea of the justiciability of social and economic rights. The language and obligations contained in the Constitution mirrored, to a large extent, the social and economic norms and standards enshrined in the Covenant. The Constitution of South Africa was one of the few in the world that contained a wide range of justiciable social and economic rights.

3. South Africa was a country divided into two nations: the one being relatively prosperous and predominantly white, the other being black and poor and living in underprivileged conditions. It would take time to erode the divide and, notwithstanding the enormous progress achieved over the previous two decades on substantive equality, dignity and human rights, more still needed to be done. South Africa remained a highly unequal society where too many people lived in poverty and too few worked. The legacy of decades of colonization and apartheid, in terms of poverty, inequality, weak economic growth and unemployment, was still acutely felt and continued to determine the opportunities for most of the population. However, despite budgetary constraints, the growth of non-interest expenditure continued to outpace inflation, and government spending on social priorities such as health, education, social protection, housing and community amenities had been maintained.

4. Nonetheless, very real and significant progress had been made. For example, access to services had been broadened immensely through efforts to deracialize and unify service delivery, and the Government had provided 4 million new homes and housing opportunities through its subsidy programme for the poorest South Africans. In 2017, 88 per cent of households had access to piped water and 84 per cent were connected to an electricity supply. The Government's free basic services programme currently supported over 3.5 million indigent households, and more than 17 million social grants were paid each month, benefiting nearly a third of the population.

5. The Government believed that in order to break the cycle of poverty, the children of the poor had to be educated, starting in early childhood. Access to early childhood education had been increasing rapidly and 88 per cent of 5- to 6-year-olds were now in early childhood development facilities. There was near-universal access to schools for children between the ages of 7 and 15; attention had therefore been shifted to improving the quality of education. Of the 12.9 million learners, more than 9.2 million benefited from the national school nutrition scheme. In December 2017, the Government had announced the phasing in of fully subsidized higher education and training for poor and working class South Africans over a five-year period. Starting in 2018, free higher education and training would be available to first-year students from households with a gross annual income of under 350,000 rand.

6. The Bill of Rights stated that, with the exception of four sections, all rights were guaranteed to everyone in the territory. Over the previous two decades, many ground-breaking court decisions had been handed down in a trailblazing era of the country's constitutional jurisprudence. Court judgments were implemented by the Government, thus ensuring the strengthening of the human rights culture in the country.

7. Since the submission of the initial report, other important human rights and governance matters had arisen, notably the debate around section 25 of the Constitution on land issues. Land inequity and its adverse impacts jeopardized political stability. According

to the 2017 Land Audit Report, nearly three quarters of national agricultural land was owned by white South Africans, and women owned only 13 per cent of farmland. The goal set by the Government in 1994 to transfer 30 per cent of total productive land by 2014 had not been achieved, largely owing to the failure to provide just and equitable compensation to landowners. To date, 10 per cent of total agricultural land had been acquired for land reform purposes. Parliament had called for an investigation by the parliamentary Constitutional Review Committee into the necessity of amending section 25 of the Constitution to enable the State to expropriate land without compensation. An interministerial committee on land reform had been established to coordinate and implement measures to accelerate the redistribution of land. In addition, a 10-person advisory panel had been appointed to suggest models for a fair and equitable land reform process that would redress past injustices, increase agricultural output, promote economic growth and ensure food security.

8. Regarding anti-corruption efforts, the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State, had been appointed and had held its first hearings the previous month.

9. The two-nation reality was nowhere more evident than in the area of health care. Nevertheless, the National Health Insurance Bill had been gazetted in June, bringing the country a step closer to achieving the Government's aim of universal health coverage and health care for all. The Bill provided for a health financing system that pooled funds to provide access to quality health services for all South Africans based on their health needs and irrespective of their socioeconomic status. It would require a massive reorganization of the current health system, both public and private.

10. In September, the President had announced a new economic stimulus and recovery plan, which, along with the upcoming Jobs Summit and an international investor conference, would strengthen the investment environment in South Africa and create jobs.

11. South Africa valued the inputs and reports from civil society organizations. Since the entry into force of the Covenant in South Africa, various meetings and consultative workshops had taken place between the Government, the South African Human Rights Commission and civil society organizations in preparation for the submission of the initial report. South Africa looked forward to a fruitful dialogue with the Committee as an opportunity for both inspection and introspection for, in the words of Nelson Mandela, the long walk had not ended.

12. **Mr. De Schutter** (Country Rapporteur) said that he commended the leading role that the State party's courts, and especially the Constitutional Court, had been playing for many years in the area of the justiciability of economic, social and cultural rights. The Committee was impressed with the State party's commitment to promoting the fight against discrimination on grounds of sexual orientation in international forums, its adoption of the Civil Union Act in 2006 and its contribution to promoting the business and human rights agenda within the United Nations system.

13. Naturally, challenges remained, including with regard to the legal status of the Covenant in the State party's legal order. He would welcome the delegation's comments on the possibility of ratifying the Optional Protocol to the Covenant. He wished to know whether the State party intended to reconsider the declaration that it had made upon ratifying the Covenant regarding its intention to give progressive effect to the right to education, especially in the light of the fact that the Constitutional Court, the Covenant and the Committee's general comment No. 13 all referred to the immediacy of that right's realization. While he welcomed the level of detail in the Constitution with regard to social and economic rights, he cautioned against that instrument overshadowing international norms. Accordingly, he wished to know whether there were any plans to enhance the training of judges in international human rights law as a means of improving the justiciability of Covenant rights.

14. Although the report was extremely detailed, some statistical information was missing, namely data disaggregated by race, gender and province, making it difficult for the Committee and national authorities to monitor the implementation of Covenant rights in the

State party. He would appreciate the delegation's comments on whether the South African Human Rights Commission received sufficient funding to fully discharge its duties.

15. Despite the vibrancy of civil society in the State party, Human Rights Watch reported that human rights defenders were threatened and harassed and that, in some situations, their protests were suppressed. The Committee would welcome a strong message by the authorities that dissent and peaceful protest were a normal component of a well-functioning democracy. It would expect law enforcement personnel to be appropriately trained so as to prevent the excessive use of force against protesters. In addition, it would recommend clarifying the term "public violence", an offence with which protesters were sometimes charged, as it was overly broad and vague and could deter human rights defenders from taking part in peaceful protests.

16. Noting the disparities not only between provinces but also between rural and urban areas within a single province, he wished to know what might be done to bridge the gaps, especially given the key role provinces played in the provision of public services that were essential to the enjoyment of Covenant rights. Perhaps the formula used to divide resources among the provinces could be revised. Given that South Africa was one of the most unequal countries in the world and that its tax system, especially with the recent rise in the value added tax (VAT), was not as progressive as might be hoped, it would be useful to know whether the Department of Planning, Monitoring and Evaluation might be strengthened so that its evaluations of public programmes not only led to improved delivery and outcomes but also ensured that budgetary priorities were defined in keeping with the Constitution, the Covenant and the recommendations of the South African Human Rights Commission. He was concerned about the impact of recent austerity measures on vital sectors such as health and education.

17. While the State party had an impressive anti-corruption legal framework, its whistle-blower protection could be enhanced by adopting a broader definition of who and what types of disclosures were protected. More should be done to tackle petty corruption by low-level public officials, for instance by taking a rights-based approach to the provision of services and setting up an independent claims mechanism. Whistle-blower protection in that area would be useful as well. It would be interesting to know whether the recommendations of the Auditor General regarding the misappropriation of public funds would be implemented. Might the revenue service be strengthened in order to better address the enormous loss of State revenue through tax evasion?

18. The State party's anti-discrimination framework was quite remarkable, but non-governmental organizations (NGOs) repeatedly noted that chapter 5 of the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, on the promotion of equality, was not being adequately implemented. What steps were being taken to correct the situation?

19. Citing the ruling of the Supreme Court of Appeal in *Minister of Home Affairs and Others v. Watchenuka and Others* and drawing attention to the Committee's substantive statement on Duties of States towards refugees and migrants under the Covenant (E/C.12/2017/1), he wished to know whether section 22 (8) of the Refugee Amendment Act, which denied the right to work to asylum seekers under various conditions, would be amended and, if not, for what reasons. Lastly, quoting from general comment No. 34 of the Committee on the Elimination of Discrimination against Women, he also wished to know how the State party intended to improve access to land and productive resources for rural women, which was severely hampered by traditional practices and customary forms of tenure.

20. **Ms. Crăciunean-Tatu** (Country Task Force) said that the State party was to be congratulated on having such a vibrant civil society. She asked whether the Traditional and Khoi-San Leadership Bill was based on comprehensive statistical and demographic data that included social and economic indicators relevant to the Khoi and San peoples. It would be interesting to hear how the Bill would address the issue of the inadequate recognition of those peoples, land discrimination and marginalization in their regard and the protection of their linguistic and cultural rights, including in the field of education. Information would be

welcome on the State party's plans to become a party to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).

21. She asked what measures had been planned to protect persons with albinism from violent attacks, to make reasonable accommodation for them in social environments and in the workplace, particularly concerning visual impairments, and to facilitate their access to education, appropriate vocational training and grants.

22. **Mr. Abdel-Moneim** asked why, compared to black African-headed households, white-headed households not only received much higher incomes from work and capital but also enjoyed substantially more income from pensions, social insurance and family allowances. Information would also be welcome on the extent to which the national authorities, when planning taxation policy for the reporting period, had taken into account the need to redistribute national income among the population and to increase the State party's resources in order to reach the maximum envisaged in the Covenant with regard to achieving the realization of Covenant rights.

23. **The Chair**, speaking in her personal capacity, asked why it had taken so long for South Africa to ratify the Covenant. It would be interesting to hear whether, in the light of its ratification, the State party would reconsider its stance related to the right to work in the context of the Constitution. She asked whether the guidance contained in the letter dated 16 May 2012 sent by the Chair of the Committee to States parties on requirements related to austerity measures had influenced the authorities when following up on national laws, policies and programmes. Lastly, she wished to know how the Covenant had been of assistance in the fight against systemic and intersectional discrimination and how efforts in that regard had been transformed by the State party's ratification of the instrument.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

24. **Mr. Jeffery** (South Africa) said that ratification of the Covenant had been delayed owing to the need to put in place a proper reporting system concerning the instrument. Although the national authorities were examining the possibility of ratifying the Optional Protocol, the focus was currently on maintaining the State party's unblemished record of meeting its reporting obligations under the Covenant.

25. As to the State party's declaration related to articles 13 (2) (a) and 14 of the Covenant, article 29 (1) of the Constitution provided that all persons had the right to a basic education, including adult basic education, and to further education, which the State, through reasonable measures, must make progressively available and accessible. Basic education was compulsory up to the age of 15 years and referred to both primary and secondary education, whereas the Covenant only provided for free primary education. Education fees were waived in the case of parents on low incomes and tertiary-level students unable to fund their studies themselves.

26. As to the issue of the funding of the South African Human Rights Commission, budgetary cuts had affected the whole of the public sector in South Africa. In line with the Constitution, three separate human rights institutions had been set up, all of which required financial support. Parliament was currently examining a report on the issue of whether to merge those bodies.

27. The right to protest was exercised freely and frequently in South Africa. However, protests often turned violent. Prosecutions in that regard were rare, with perpetrators only being imprisoned in cases involving serious crimes. The recommendations on public order policing made by the Marikana Commission of Inquiry were currently being implemented. Several articles of the Regulation of Gatherings Act had been declared unconstitutional, although that decision had still to be confirmed by the higher courts. Tensions within communities sometimes led to violent attacks on persons, and the law must be implemented in such cases.

28. The Protected Disclosures Act had recently been amended to broaden the definition of an employee to include contractors, agents and other persons employed indirectly or on a temporary basis. The Act protected whistle-blowers from discrimination in the workplace. Under existing domestic legislation, whistle-blowers seeking employment elsewhere could

challenge a decision not to hire them taken based on their whistle-blowing activities, although such claims were difficult to prove.

29. All forms of corruption, no matter how petty, were illegal and perpetrators faced prosecution. The authorities and the South African Human Rights Commission were currently looking into possible legislative amendments to facilitate practical implementation of Chapter V of the Promotion of Equality and Prevention of Unfair Discrimination Act.

30. The Auditor General audited all public accounts and reported to the relevant level of Government where instances of unauthorized or wasteful expenditure had been detected. Parliament, each of the nine provincial legislatures and many municipalities had a standing public accounts committee responsible for dealing with such instances. Within Parliament, the National Assembly had the task of deciding whether to pursue allegations of unauthorized expenditure. Parliament was currently considering a Public Audit Amendment Bill designed to allow the Auditor General to authorize performance audits, to recover losses from responsible entities and individuals and to refer irregularities arising from audits to other bodies for investigation.

31. All legislation on racial classification had been repealed following the fall of the apartheid regime and had largely been replaced by self-classification. Chapter 2, section 9 (2) of the Constitution provided for measures to advance categories of persons disadvantaged by discrimination, such as the Khoi and the San peoples. South Africa currently had 11 official languages, all of which enjoyed equal status. Any move to increase that figure would be costly in financial terms. Chapter 1 of the Constitution, which could only be amended with a supporting vote of at least 75 per cent of the members of the National Assembly, provided for the establishment of a pan-South African language board to promote and create conditions for the development and use of all official languages and the Khoi, Nama and San languages.

32. Under the Prevention and Combating of Hate Crimes and Hate Speech Bill currently being considered by Parliament, the offence of hate speech covered incitement to hatred based on, among other things, albinism. The Albinism Society of South Africa received government funding to strengthen its organizational capacity and run awareness-raising campaigns on the rights of persons with albinism, in particular in traditional settings. The Government was also working with traditional leaders and healers and the various relevant national human rights commissions and civil society bodies to promote the rights of persons with albinism. South Africa was spearheading efforts within the Southern African Development Community to ensure the adoption of a protocol on those rights. Hospitals made provision for sunscreen for persons with albinism and schools provided educational materials in large print format and assistive devices to students with albinism and resulting visual impairments. All persons unable to work could apply for a disability grant.

33. **Ms. Mxakato-Diseko** (South Africa) said that discrepancies regarding income on the basis of ethnic origin could be explained by the fact that certain population groups continued to benefit from the accumulated effects of years of privileged treatment.

34. It was difficult for developing nations to tackle the issue of illicit financial flows because of significant opposition from powerful private sector enterprises, the limitations of mutual legal assistance and the reluctance of some member States of the United Nations to promote greater intergovernmental cooperation and accountability in that regard. The Committee might wish to consider issuing a general comment on the urgent need for a legally binding instrument to address the issue. The South African revenue service was working with its counterparts in other African countries to halt illicit financial flows, and the State party was involved in the Tax Inspectors Without Borders initiative. Efforts were also being made at the domestic level to improve scrutiny and traceability of assets.

35. South Africa would benefit from the Committee's guidance regarding the issue of how to give substance to the right to work at the national level.

36. Land distribution was the subject of ongoing national debates, at the heart of which lay the issues of dispossession and the superimposition of a divide-and-rule system

inherited from the Bantustan era. Legislation was being put in place to facilitate landownership by women.

37. The ratification and domestication of ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) were being looked at holistically.

38. **Ms. Chohan** (South Africa) said that the Government was keen to minimize the risk of asylum procedures being exploited in a manner that undermined its immigration-for-work policies. It drew an important distinction between asylum seekers and refugees. The former were persons in the process of applying for refugee status, while the latter were persons whose applications had been approved.

39. Prior to 2011, asylum claims had typically taken two to five years to process. It was in that context that the *Watchenuka* case had unfolded. Ms. Watchenuka, a destitute single mother, had filed an application for asylum that had taken an inordinate amount of time to resolve. During the asylum process, she had not been offered a subsistence allowance or any social services by the Government or by the Office of the United Nations High Commissioner for Refugees (UNHCR) or its partners. The Supreme Court of Appeal, in its 2003 judgment, had granted Ms. Watchenuka relief by allowing her to undertake employment. Since 2003, there had been a number of material changes, not least the establishment of a range of UNHCR-funded shelters and church-run places of safety across the country, especially in urban areas. The Government had invested significant resources into making the asylum process more efficient, thanks to which, currently, claims were sometimes settled on the day of their submission. The objective was for all claims to be handled within three months.

40. In the immediate aftermath of the 2003 *Watchenuka* judgment, it had become the norm to grant asylum seekers the right to work without conducting an assessment of their individual circumstances. That had led to a great deal of abuse of the asylum system by economic migrants. South Africa received mixed migration flows, which included individuals with personal resources wishing to set up businesses and persons joining family members who were already settled in the country and able to host them. Between 2005 and 2015, South Africa had been the country of destination for over 1 million asylum seekers, yet the number of refugees in the country stood at under 200,000. Currently, around 90 per cent of asylum applicants were economic migrants, many of whom were open about their reasons for entering the country. Although their applications were denied, the practice of granting the right to work automatically upon receipt of an application meant that many individuals simply abandoned their application and remained in the country indefinitely.

41. The Government had felt that asylum seekers in need of protection and social assistance should be able to access relevant services where they were available, and that it should be possible to assess that need at the point when those people entered the system. It had also been of the opinion that destitute individuals would be better served by receiving social assistance rather than a foreign worker visa, which would be of little use to them in finding accommodation and sustenance in the short term. The legislative amendments that had been introduced therefore aimed to comply with the letter and spirit of the *Watchenuka* judgment, by expediting the consideration of asylum claims, providing for individual needs assessments and offering several immediate solutions, included sheltered accommodation, which had previously been provided in an ad-hoc fashion.

42. **Mr. Jeffery** (South Africa) said that, according to section 233 of the Constitution, "when interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law". Judges and magistrates received training, including in the area of human rights law, from the South African Judicial Education Institute, an independent statutory body run by a board chaired by the Chief Justice.

43. Around 65 per cent of children in South Africa attended non-fee-paying schools. Children enrolled at fee-paying State schools were not removed in the event that their parents or caregivers ceased to be able to pay. The funds collected from those who could pay were used to subsidize secondary and higher education. The Government aimed to guarantee free education for all by 2030 and had made facilitating the access of children with disabilities to education a priority.

44. Since there was no representative of the National Treasury in the delegation, replies to some of the Committee's questions would be provided in writing.

45. **Ms. Shin** asked what was stopping the Government from granting official recognition to indigenous peoples, which would promote their enjoyment of economic, social and cultural rights, including the right to land.

46. **Mr. Uprimny** said that in recent years, reforms had been introduced that diminished the role played by personal and corporate income taxes and social spending, which would inevitably lead to greater inequality. He would be interested to know how the Government planned to ensure that austerity measures did not deepen social inequality and whether it had considered, for example, eliminating tax breaks for high-income earners.

47. It was clear from the State party's 2010 Gini coefficient of 0.77 before taxes and transfers, which was the highest in the world, that there were problems with its model of development. Although the legacy of apartheid still lingered in the country, the time had come to take decisive measures to promote inclusive growth, invest in human capital and deepen land reform in the interests of enhancing equality.

48. **Mr. Windfuhr** (Country Task Force) said that, according to the information at his disposal, some 700 asylum claims were currently pending before the State party's authorities. In view of that, he wished to know whether it was realistic to expect all claims to be processed within three months. He would also be interested to hear the delegation's thoughts on the effect that not working but benefiting from social welfare had on the way in which asylum seekers were perceived and treated in the State party. He asked whether it would not be preferable to allow asylum seekers to undertake employment, and whether the current policy was not encouraging people to enter the country illegally and take up work in the informal sector.

49. It was laudable that the State party did not make use of detention centres. However, he had recently read a white paper on migration which proposed that asylum seekers should be confined to processing centres near the borders where their basic needs would be catered for. It would be helpful to know the status of the white paper.

50. **Ms. Crăciunean-Tatu** (Country Task Force) said that she wished to know whether, aside from the Prevention and Combating of Hate Crimes and Hate Speech Bill, there were any domestic laws that addressed the special vulnerabilities of persons with albinism, and how the Government intended to implement the Traditional and Khoi-San Leadership Bill in a manner that took into account those vulnerabilities. An indication of whether the disability grant that had been mentioned was available to all persons with albinism, or only those who were unable to work, would also be appreciated.

51. **Mr. Abdel-Moneim** said that it should not be forgotten that South Africa belonged to the family of developing countries and had to face all the problems associated with that status. Five centuries of colonization, exploitation and apartheid could not be overcome in 22 years. The process would take time, but through serious and sincere efforts, progress would come.

52. **The Chair** drew the delegation's attention to the Committee's general comments Nos. 18, on article 6 of the Covenant, and 23, on article 7, and said that the two documents were unequivocal on the obligations of States to protect the right to work and the right to just and favourable conditions of work. She would welcome an assessment from the delegation of what ratifying the Covenant had meant for South Africa.

53. **Mr. De Schutter**, drawing attention to paragraph 37 of the Committee's general comment No. 24 on State obligations under the Covenant in the context of business activities, said that the Committee and the State party were on the same wavelength when it came to tax evasion, which had been one of the major topics of discussion at the Third International Conference on Financing for Development, held in Addis Ababa in July 2015. He welcomed the leading role that South Africa played in addressing the issue within the United Nations system.

54. **Mr. Jeffery** (South Africa) said that the disability grant was available only to persons who were unable to work because of their condition. State schools serving learners with special educational needs would be declared non-fee-paying with effect from 2019.

55. **Ms. Chohan** (South Africa) said that she could not verify the Committee's information on the number of pending asylum applications. Any backlog in the appeals system would pertain to matters that had been in the appeals system prior to 2011. Regarding asylum seekers' right to work, the proposed legislative amendment did not yet have legal effect and would not be applied retrospectively. It was intended to be a limited intervention to prevent abuse of the asylum system, as over 80 per cent of applicants for asylum were considered economic migrants. It would apply only to asylum seekers whose applications had not been addressed within four months, and it would not remove asylum seekers' right to work but award it in specific cases where applicants were at risk of becoming destitute or homeless.

56. **Mr. Landers** (South Africa) said that the Traditional and Khoi-San Leadership Bill would make provision for the statutory recognition of the Khoi-San leaders and communities. The Government had carried out consultations with the South African Human Rights Commission, among others, and had determined that under the Constitution, in order to make restitution for people who had been deprived in Apartheid South Africa, it was necessary to refer to their former racial status. The standard practice in that regard was to ask South African citizens how they would describe themselves in terms of a population group, and the Khoi-San had previously asked for the term "coloured" not to be used. Ministries used self-determined information about racial identity to implement restitution.

57. There was ongoing debate about the cut-off date for land claims, or indeed whether there should be a cut-off date. The leader of the Khoi-San community said that the date should be 1652, reflecting the arrival of Dutch colonialists who had taken possession of land that belonged to the Khoi-San. Any official land claim made by the Khoi-San would be addressed using the standard procedures related to expropriation without compensation, and redress and redistribution.

58. **Ms. Mxakato-Diseko** (South Africa) said that the economy had long been reliant on cheap labour in industries such as mining and textiles. The Government was trying to resolve the problem through a tripartite approach involving the joint discussion of issues, including income inequality, by representatives of business, labour and the Government.

59. **Mr. Jeffery** (South Africa) said that the Government had issued a set of potential social security reforms that would reduce tax rebates for the wealthy to the benefit of social security provisions and subsidies. The Government was working with ILO on the proposals, which would create a more progressive tax system.

60. **Mr. Windfuhr**, referring to a rights-based approach to employment, said that he would appreciate further information on measures to tackle unemployment, specifically among young people and persons with disabilities. It would be helpful to have information on the size of the informal sector, and on whether there were plans to introduce a regulatory framework that would allow informal workers to access social benefits.

61. Reports had shown a shift from full-time work to temporary, seasonal and informal work in some sectors, including farming, mining and retail. He would appreciate information on the impact of that trend. Moreover, he wished to know how the Government would guarantee full implementation of the requirement that temporary employment with a single employer did not exceed three months. How would the Government address the decline in formal and full-time employment in general?

62. The new minimum wage legislation was a welcome development, particularly in view of its effects on the farm and domestic work sectors. However, he wished to know how the Government would ensure that all sectors benefited from the legislation, how the minimum wage was calculated, and how the rate was assessed and updated.

63. Women in South Africa were more likely than men to be unemployed or be in low-paid or unpaid work. Existing collective agreements on employment equity and remuneration did not appear to include provisions on equal pay. He wished to know how the Government planned to address that situation.

64. It had proved difficult for labour inspectors to monitor the working conditions of those employed in domestic or farm work, for example. In that regard, he wished to know how the authorities verified that employment regulations, including minimum wage and working hour requirements, were observed in such situations. As dismissal from employment, particularly in farm work, was often tantamount to eviction, he would appreciate information on measures to address and monitor such cases.

65. In view of the fact that the sale and purchase of sex was criminalized in South Africa, he wished to know how the Government intended to protect sex workers against harassment and physical violence.

66. Migrant workers sometimes avoided using social services for fear of deportation and often faced problems in accessing redress for employment issues when required. Were there any measures in place to help migrant workers overcome barriers to accessing such services?

67. There remained concerns about occupational health and safety in the mining industry, and particularly about the housing and living conditions of workers. In that regard, he wished to know how the Government was following up on the recommendations of the Marikana Commission of Inquiry, whether the situation in the industry had improved, and how the Government could have better control over the industry. In view of reports that the Labour Inspectorate was understaffed and struggled to give effect to its findings, he wondered what the Government could do to improve the governance of labour inspections. Would the proposed extension of the Compensation for Occupational Injuries and Diseases Act apply to domestic workers, and was progress being made in expanding occupational health and injury protection in general?

68. As some sectors, such as the farm and domestic work sectors, had a low rate of organization among workers, he wished to know how the right to establish bargaining councils was supported in largely informal sectors. How did the Government plan to address the decline in trade union activity and membership?

69. The proposed amendment to the Labour Relations Act could allow advisory panels, led by a representative of the Commission for Conciliation, Mediation and Arbitration, to impose binding decisions on whether a strike could take place, although those decisions could be appealed. Would such a scenario constitute a restriction of the right to strike? Moreover, law enforcement authorities did not always grant workers permission to protest, particularly in the mining sector, which could constitute a violation of the right to strike. What was the Government's position on the situation? How could the Government guarantee the right to protest and the right of freedom of assembly in practice? Had there been any changes or problems since the events at the Marikana mine? Overall, only one third of requests for protests were approved by police, and there had been reports of police brutality and harassment of protestors by law enforcement authorities. He therefore wished to know how the right to protest was guaranteed in practice, and whether the right to protest was undermined by criminalizing or refusing to grant permission to people lawfully applying to do so.

70. The country's social security system was extensive, but the decreasing share of national expenditure on social security and the increase in the rate of VAT could have a negative impact on some recipients of social welfare, particularly in view of income inequality and racial disparities in the poverty rate. How would the Government address such issues?

71. Non-contributory social security measures were insufficient in some cases; for example, the child support grant had been increased but remained below the national food poverty line. He wished to know how the Government could prevent the further impoverishment of people who were dependent on social security benefits; how often allowances and benefits increased; and how the Government assessed and addressed the needs of recipients. How were the available resources calculated and what instrument was used to implement a social protection floor? Noting recent problems in social security payments, including the misuse of data, he wondered how the payment system could be improved and how the Government could ensure that people received their full payments.

The meeting rose at 6.05 p.m.